

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

LAWRENCE HARTFORD, et al.,

Plaintiffs,

v.

BOB FERGUSON, in his official capacity as
Washington State Attorney General, et al.,

Defendants.

NO. 3:23-cv-05364-RJB

STIPULATION AND [PROPOSED]
ORDER REGARDING A
CONTINUANCE

I. RECITALS

1. On January 24, 2024, the Ninth Circuit heard argument in *Miller v. Bonta*, Case No. 23-2979, a case concerning the constitutionality of California's assault weapon restriction statute.

2. Following argument, the Ninth Circuit decided to hold *Miller* in abeyance pending the outcome of *Duncan v. Bonta*, Case No. 23-55805, a case concerning the constitutionality of California's large-capacity magazine restriction statute. *See* DktEntry: 61.1, *Miller v. Bonta*, Case No. 23-2979 (Jan. 26, 2024). *Duncan* will be heard by an *en banc* panel of the Ninth Circuit in March 2024.

3. Both *Miller* and *Duncan* are likely to have a significant impact on this case. However, they are highly unlikely to be decided prior to the summary judgment deadline in this case.

4. In order to give the Parties and this Court the benefit of the Ninth Circuit's guidance in *Duncan* and *Miller*, the Parties seek to continue the deadlines in this case until after the Ninth Circuit rules in *Miller*.

II. STIPULATION

The Parties, by and through their respective attorneys of record, hereby stipulate to the following:

1. Responses to the State of Washington's outstanding discovery requests to Plaintiffs, previously due February 12, 2024, shall now be due seven days after the Ninth Circuit issues its opinion in *Miller v. Bonta*, Case No. 23-2979. Should the seven-day deadline fall on a weekend or holiday, the deadline should be continued to the following court day.

2. The deadline for filing discovery motions of March 11 (ECF # 75) should be continued until 21 days after the Ninth Circuit issues its opinion in *Miller v. Bonta*, Case No. 23-2979. Should the 21-day deadline fall on a weekend or holiday, the deadline should be continued to the following court day.

3. The discovery completion deadline of April 1 (ECF # 75) should be continued until 45 days after the Ninth Circuit issues its opinion in *Miller v. Bonta*, Case No. 23-2979. Should the 45-day deadline fall on a weekend or holiday, the deadline should be continued to the following court day.

4. The dispositive motion deadline of April 30, 2024 (ECF # 75) should be continued until 75 days after the Ninth Circuit issues its opinion in *Miller v. Bonta*, Case No. 23-2979. Should the 75-day deadline fall on a weekend or holiday, the deadline should be continued to the following court day.

5. Within three court days of such ruling, the parties will notify the Court of the new deadlines for discovery motions, discovery completion, and dispositive motions.

6. The following case deadlines should be continued indefinitely: motion in limine deadline (currently July 1, 2024), pretrial order deadline (currently July 12, 2024), pretrial conference (currently July 18, 2024), and trial brief deadline (currently July 18, 2024). These deadlines should be reset, if necessary, following this Court's ruling on summary judgment.

DATED this 14th day of February 2024.

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III. ORDER

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2 1. Responses to the State of Washington's outstanding discovery requests to
3 Plaintiffs, previously due February 12, 2024, shall now be due seven days after the Ninth Circuit
4 issues its opinion in *Miller v. Bonta*, Case No. 23-2979. Should the seven-day deadline fall on a
5 weekend or holiday, the deadline shall be continued to the following court day.

6 2. The deadline for filing discovery motions of March 11 (ECF # 75) is hereby
7 continued until 21 days after the Ninth Circuit issues its opinion in *Miller v. Bonta*, Case No. 23-
8 2979. Should the 21-day deadline fall on a weekend or holiday, the deadline shall be continued
9 to the following court day.

10 3. The discovery completion deadline of April 1, 2024 (ECF # 75) is hereby
11 continued until 45 days after the Ninth Circuit issues its opinion in *Miller v. Bonta*, Case No. 23-
12 2979. Should the 45-day deadline fall on a weekend or holiday, the deadline shall be continued
13 to the following court day.

14 4. The dispositive motion deadline of April 30, 2024 (ECF # 75) is hereby continued
15 until 75 days after the Ninth Circuit issues its opinion in *Miller v. Bonta*, Case No. 23-2979.
16 Should the 75-day deadline fall on a weekend or holiday, the deadline shall be continued to the
17 following court day.

18 5. Within three court days of such ruling, the Parties shall notify the Court of the
19 new deadlines for discovery motions, discovery completion, and dispositive motions.

20 6. The following case deadlines are hereby continued indefinitely: motion in limine
21 deadline (currently July 1, 2024), pretrial order deadline (currently July 12, 2024), pretrial
22 conference (currently July 18, 2024), and trial brief deadline (currently July 18, 2024). These
23 deadlines will be reset, if necessary, following this Court's ruling on summary judgment.

24 IT SO ORDERED.
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1 DATED this ____ day of _____ 2024

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4 The Honorable Robert J. Bryan
5 United States District Judge
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